

GENOCIDE, COMMUNISM AND TIBET

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SUMMARY

The systematic destruction of racial, national and religious groups as a matter of national policy is recognized today as the crime of genocide under international law. This new legal concept has been given international currency and validity through the UN-sponsored Convention on Genocide, which has been ratified by 58 countries.

Part I of this report, Genocide: A Legal Concept of Inhumanity, undertakes to show the development of this concept as a reaction to the Nazi excesses in Europe and to outline the basic principles of the Genocide Convention. The report then presents details of the genocidal activities carried out by the Nazis as well as those perpetrated by the Soviet Communists against the Poles, the Baltic peoples, and various national minority groups in the Soviet Union. A final section discusses the recent genocide measures of the Communist Chinese in Tibet, as detailed in a report issued by the International Commission of Jurists.

Part II of the report, China Incorporates Tibet, briefly surveys Tibetan-Chinese relations up to the establishment of the Chinese Communist regime and then outlines in detail the systematic attempts of the Chinese Communists to destroy Tibetan autonomy and religious and cultural values. Communist promises to the Tibetans and the violation of those promises are shown. Finally, the series of killings and other atrocities which led to the International Commission's finding of "a clear pattern of genocide" are examined in some detail.

GENOCIDE: A LEGAL CONCEPT OF INHUMANITY

Genocide - A New Concept

Throughout recorded history, man's inhumanity to man has been viewed as an immutable law of nature--a social phenomenon to be deplored but to be accepted as unavoidable. Inhumanity by individuals was, to be sure, prohibited; but when executed by the state it was an act of sovereignty immune from any reprisal or punishment. Not until the holocaust and slaughter of World War II was the conscience of mankind sufficiently aroused to provoke efforts to extend the rule of international law to prevent the senseless slaughter which war entails.

At Nurnberg the International Military Tribunal (War Crimes Tribunal) laid down the principle that aggressive warfare and wartime barbarities were crimes against all humanity and were to be punished accordingly. This was, indeed, a notable measure of progress. However, it did not go far enough, for it ignored the systematic persecution or destruction of entire peoples, chillingly exemplified by the Nazi extermination of approximately 12 million Jews and other so-called "inferior peoples" of Eastern Europe.

Although the Nazi actions were on a scale to stagger the imagination, they were not without precedent. History records many instances of the extermination or near extermination of entire groups of people united by ties of blood, race, religion, or nationality: the extirpation of Carthage and the Carthaginians in 146 B.C.; the slaughter of early Christians by the Romans; the murder or expulsion of the Jews and Moors from Spain; the pogroms against the Jews of Europe during the Middle Ages and against Russian and Romanian Jews in the early 1900's; the Ottoman massacres of Armenians in the late 19th and early 20th Centuries; etc.

It was not until after World War II, however, that the community of nations adjudged such actions to be an international crime of concern to all nations regardless of where, by whom and against whom committed. It was,

in fact, such a new legal concept that there was not even a word for it. A term was quickly found, however, and the word chosen--genocide--has now been given international currency and validity by the United Nations Resolution and Convention on Genocide.

"Genocide" is a hybrid word derived from the Greek genos (race, tribe) and the Latin cide (killing), implying the deliberate extermination of racial, national, religious or ethnic groups during peace or wartime. It covers not only mass murder but also attempts to destroy human groups without direct physical violence. It thus encompasses those actions designed to prevent human life, such as abortion, sterilization, forcible separation of husbands and wives, together with measures designed to endanger physical or mental health and to shorten life, such as injections of harmful chemicals, artificial infections, hazardous medical experimentations, starvation, overwork and deliberate exposure to disease in special camps or other environments controlled by the perpetrator.

Whenever such acts are deliberately carried out with the intent of destroying, wholly or in part, or of inflicting permanent harm on a human group, the crime of genocide is involved.

The United Nations Resolution and Convention

Although the Nurnberg Tribunal, on the basis of the evidence presented to it, convicted the principal Nazi leaders of "crimes against humanity," including murder, extermination, enslavement and deportation of civilian populations and their persecution on political, religious or racial grounds, the Court interpreted its charter so narrowly that its decision declared as punishable inhuman acts against civilian populations only when committed during or in connection with war. The conscience of the world, however, had been too profoundly shocked by the Nazi excesses to be satisfied with this restricted ruling.

The reaction to the Nurnberg ruling was a demand for the establishment of a rule of international law which would impose penalties on any government that perpetrated on groups of its own citizens or those of any other country "revolting and horrible acts" in time of peace as in time

of war. Accordingly, the General Assembly of the United Nations, as the most authoritative existing voice of the world's conscience, adopted on 11 December 1946 a resolution which declared genocide to be a "crime under international law, contrary to the spirit and aims of the UN and condemned by the civilized world."

The UN Resolution, however, was more than just a pious enunciation of a new legal concept. It also invited member states to enact laws designed to prevent and punish acts of genocide and--more meaningfully--directed the Economic and Social Council to draft a convention on the subject. This the Council proceeded to do without delay. Its draft Convention on Genocide was then discussed at length in the General Assembly, which approved it on 9 December 1948 by a vote of 55 to 0.

The Convention asserts that genocide is a crime under international law, whether committed in time of peace or in time of war. It then proceeds to define genocide as follows (Article II):

"In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- a. Killing members of the group.
- b. Causing serious bodily or mental harm to members of the group.
- c. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.
- d. Imposing measures intended to prevent births within the group.
- e. Forcibly transferring children of the group to another group."

The Convention further provides that attempts or conspiracy to commit genocide, direct and public incitement to commit genocide and complicity in genocide shall also be punishable. Persons committing genocide or any of the

other acts cited are to be punished "whether they are constitutionally responsible rulers, public officials or private individuals." Under the Convention all contracting parties undertake to enact laws with effective penalties covering the crime of genocide. Persons charged with such crimes "shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those contracting parties which shall have accepted its jurisdiction."

Although the original UN Resolution included within its definition of genocide actions against political groups, this provision was omitted from the Convention. After some discussion, the drafting committee decided that membership in political groups was too unstable to make their inclusion meaningful. Moreover, it was recognized as a matter of practicality that the inclusion of such groups within the purview of the Convention would seriously weaken its support on the part of many states and would endanger its chances of ratification, since it might lead to fears of UN intervention in domestic political struggles.

The Convention became effective on 12 January 1951 after it had been ratified by 20 states, not including the US or the USSR. By January 1959, instruments of ratification or accession had been deposited by 58 states. Some are not UN members; the Convention is open to them, however, at the invitation of the General Assembly, when such states become active members of a specialized agency of the UN or accede to the Statute of the International Court of Justice. The 58 states are (an asterisk denotes ratification or accession with reservations): Afghanistan, Albania,* Australia, Austria, Belgium, Brazil, Bulgaria,* Burma, Byelorussian SSR,* Cambodia, Canada, Ceylon, Chile, China, Costa Rica, Cuba, Czechoslovakia,* Denmark, Ecuador, Egypt, El Salvador, Ethiopia, France, German Federal Republic, Ghana, Guatemala, Haiti, Honduras, Hungary,* Iceland, Iran, Iraq, Israel, Italy, Jordan, Republic of Korea, Laos, Lebanon, Liberia, Mexico, Monaco, Morocco, Nicaragua, Norway, Panama, Pakistan, Philippines,* Poland,* Rumania,* Saudi Arabia, Sweden, Syria, Tunisia, Turkey, Ukrainian SSR,* USSR,* Vietnam, Yugoslavia.

Genocide Under the Nazis

That genocide is today recognized as a crime under international law is due primarily to the horror and outrage felt throughout the world over the excesses of the Hitler regime. Those excesses involved the mass extermination of six million Jews, several million Slavs and almost all of the gypsies of Europe in a systematic campaign to eliminate those groups as religious, racial and national entities.

Predicated as it was on the theory of German racial superiority, Nazi Germany, from its very inception, relegated the Jews of Germany to an inferior social position. Social and occupational discrimination instituted by the Nurnberg racial laws and other anti-Semitic decrees eventually led to active physical persecution of all Jews together with their exclusion from business and the professions, the destruction of their places of worship, and the "ghettoization" of their society.

The situation of the Jews became critical following the outbreak of the war. The Nazi police were given carte blanche, and physical measures, such as deportations and exterminations, were launched on a large scale. In the occupied areas of Europe, the Nazi anti-Jewish policies were applied on an equally heartless basis. Jews were not only pillaged of their goods and property but were enslaved to provide the Nazis with cheap labor. It mattered little whether the Jew was killed outright or sent to a forced labor camp. The result was the same, for hunger, cold, torture and blows weakened the resistance of the labor camp inmates and resulted in sickness and death.

After the defeat of Poland, Jews were herded into ghettos in the large cities and cut off from all normal living patterns. The beginning of 1942 ushered in the mass slaughter of Jews in the Polish and western USSR ghettos, where the Jews were either massacred or deported to extermination camps. Evidence presented at the Nurnberg trials indicated that Hitler resolved on the total extermination of the Jews when it became clear to the Nazi leadership that a speedy victory was no longer possible and that it would be necessary to assure German unity by involving all Germans in the Nazi criminal conspiracy.

Following the invasion of Russia in June 1941, special SS detachments were assigned to machine-gun systematically the Jewish population of the invaded territories. An order from Goering to Heydrich, dated 30 July 1941, extended the exterminations to all of conquered Europe as the "final solution" of the Jewish question in areas under German control.

After December 1941, the extermination camp at Chelmno, Poland, was used as an "experimental station" for the devising of "scientific" methods for killing large masses of human beings. Poland, in fact, became a veritable charnel house, the place of execution for all European Jews. Intensive gas chamber executions began in April 1942 at Belzec, Treblinka and Sobibor. Cyclone B, an insecticide with a prussic acid base, was introduced at Auschwitz and subsequently replaced the carbon monoxide previously used by the other four large Polish death centers cited above.

The Nazis also carried out extensive experiments at Auschwitz and Ravensbruck involving the sterilization and castration of Jews, but these were abandoned when the Nazis failed to find any cheap and effective mass sterilization method.

The number of Jewish victims of the Nazi genocide policies has been authoritatively set at approximately six million by the Nurnberg Tribunal. This is equivalent to 73 percent of the pre-war Jewish population (8,295,000) of Europe. Mere figures, however, tell only part of the story: the amount of suffering which was involved is beyond human comprehension and imagination.

Moreover, the Jews were not the only victims of Nazi racial policies and genocidal measures. The "inferior races" of conquered Europe--the Poles, Russians, Czechs, French, etc.--also provided victims. Determined to assure the permanent supremacy of the German race in all the areas occupied by the German armed forces, the Nazis embarked on the direct, if partial, extermination of the population in Russian areas and the indirect but eventual extermination of other so-called "inferior peoples."

The Polish government has estimated that the Nazis, between 1939 and 1945, liquidated nearly three million Poles. The Nazi plan was to Germanize one-half of the

country and incorporate it into the Reich, while keeping the other half as a depressed state, devoid of its own leadership and culture, which could serve as a reservoir for slave labor. Accordingly, Polish leadership groups-- government officials, priests, judges, educators, etc.-- were either executed or eliminated by imprisonment or deportation. Hundreds of thousands of Poles were shipped to Germany as slave laborers, while the rest of the population was kept on a near-starvation diet. This not only reduced the birth rate but also the survival chances of those born.

The gypsies of Europe also were a special target of Nazi dislike. It is estimated that of Europe's pre-war total of 1,422,000 gypsies, at least 500,000 were massacred by the Nazis.

Throughout occupied Europe, the Nazis systematically carried out measures designed to ensure German racial predominance. Even where direct physical elimination was not carried out, other measures equally genocidal in character were applied: legalization of abortion and sterilization, raising the marriage age, encouraging the use of contraceptives, denial of vaccinations and other health safeguards, etc. Especially heartless was the separation of children from their parents.

The enormity of the Nazi barbarisms is reflected in the fact that victims of the Hitlerian genocide measures actually exceeded in numbers the total casualties inflicted on the battle fields of what was, by far, the bloodiest conflict in recorded history.

Genocide Under the Soviets

Although the Soviet Union has ratified the UN Convention on Genocide, the Soviet record is anything but clean. Indeed, the Soviets stand second only to the Nazis in the number of their victims. These include both Poles and various Soviet minority groups.

The Katyn Forest Massacre - Sometime after the Russian occupation of eastern Poland in 1939 and no later than the spring of 1940, some 15,000 Polish civilian leaders and army officers were massacred in Katyn Forest, near Smolensk, Russia.

According to a special committee of the US House of Representatives, which made an official investigation of the Katyn Forest massacre, the Soviet secret police (NKVD) carried out from September 1939 through March 1940 a "deliberate and well-organized plan" designed to separate Polish army officers and intellectual leaders from the mass of Polish prisoners then in Soviet hands.

The members of this Polish elite, numbering 15,400, were assigned to three special camps in the USSR, namely, Kozielsk, Sarobielsk and Ostashkov. There they were subjected by the Soviets to intensive interrogation during a 6-month period in an attempt to determine which of them could eventually be converted to Communism. About March 1940 an evacuation from the three camps began. Of the 15,400 internees, only 400 survived. None of the other prisoners were heard from or seen after May 1940, except for the 4,143 identified in the mass graves at Katyn.

The world first learned of the Katyn affair from a German radio broadcast on 13 April 1943, which announced the discovery of mass graves at Katyn of approximately 3,000 Polish officers. According to the broadcast, the officers were found "in full uniform, in some cases shackled. All had wounds from pistol bullets in the back of the neck." This version was subsequently corroborated by eye witnesses as well as witnesses at the exhumation of the bodies who further testified that the prisoners' hands had been bound with wire and their mouths stuffed with sawdust. Most of the victims were reported to have been executed with a shot through the backs of their heads; some, however, appeared to have been thrown alive into the graves and left to suffocate.

As was to be expected, the Soviets denied responsibility. They claimed that the Polish prisoners had been transferred to the Smolensk area in the spring of 1940 and had been subsequently captured and executed by the Germans in 1941 during the Russian retreat. As the House Committee's report pointed out, however, the Soviets did not make such a claim until after the German radio had announced discovery of the Katyn graves.

On 30 April 1943 a commission selected by the Germans and made up of specialists in medical jurisprudence and criminology from 12 European universities signed a protocol

to the effect that the Poles had been murdered in the spring of 1940 when the Katyn area was under Soviet control. To counter this report the USSR, on 24 January 1944, appointed a Special Commission to Investigate the Katyn Massacre, whose report charged that the Poles were executed by the Germans after they had been captured by the Nazis in July-August 1941.

In its final report on the Katyn massacre, the US House Committee noted several inconsistencies in the Russian chronology and version of the murder of the Poles. The Committee also took note of the Russian refusal to allow a neutral investigation of the German charges in 1943 by the International Committee of the Red Cross and Russian failure at the Nurnberg trials, where they were in charge of the prosecutions, to produce sufficient evidence to warrant a verdict against the Germans in this matter. The House Committee concluded that the weight of the evidence was that the Russians had perpetrated the Katyn Forest Massacre.

Soviet Mass Deportations - Soviet genocidal measures applied against Soviet citizens have generally been in the nature of mass deportations designed to disperse members of a national or ethnic group, thus clearly falling within the scope of genocide as defined in the UN Convention on Genocide. The record shows numerous instances of such deportations, beginning with the harsh collectivization campaigns of the 1930's (which had the secondary motive of crushing the independent spirit of the minority nationalities), and continuing through the war period into the late 1940's when population resettlements were made in the name of national security.

As a result of the collectivization campaign initiated in 1929, an estimated 2,400,000 were deported from the Ukraine by the end of 1932. Uprisings and disorders in Azerbaidzhan up to 1925 brought about the execution and deportation of about 100,000 Azerbaidzhani Turks. Mass repression in the Caucasus in the 1930's led to Siberian exile or execution for 422,000, mostly of the intelligentsia. In 1937, as a result of the increase in Soviet-Japanese tensions in Asia, 75,000 Koreans were deported to Uzbekistan.

The deportations which have occurred in the Baltic states are especially clear-cut examples of genocide. The deportation procedures laid down in a 21 January 1941 order issued by Serov, then Deputy People's Commissar for State Security, and applied both at that time and in subsequent periods, manifests an intent to bring about the destruction of national and ethnic groups. After directing that "a large number of deportees must be arrested and placed in special camps and their families settled at special points in distant regions," the Serov order described the technique for separating families for the purpose of preventing births.

The conditions under which the deportations were effected added to the genocidal character of the Soviet actions. The deportees were jammed into unheated railway cars, denied adequate food or medical care during the period of transit, and then unloaded at special labor camps lacking adequate housing and located in isolated areas subject to harsh climatic conditions.

In 1941 the Soviets deported 43,500 persons from Estonia, ostensibly as "conscriptees" but actually as inmates for Soviet forced labor camps. In March 1949, an estimated 30,000 Estonians were deported as a result of a Soviet collectivization program.

From 1941 to 1945, approximately 60,000 Latvians were deported to slave labor camps. Of the 60,000 persons held in so-called "filtration" camps at the end of the war, 40,000 were deported to forced labor camps in Siberia, while the remainder were either executed or sent to other parts of the USSR for "reconstruction work." Another 50,000 Latvians were deported in March 1949 when they refused to "volunteer" for membership in collective farms.

In June 1941, 34,000 persons were deported to the Soviet Far East from Lithuania. During the collectivization drives of 1948 and 1949, 287,000 Lithuanians--roughly 10 percent of the total Lithuanian population--reportedly was deported to Siberia.

The most comprehensive mass deportations in the USSR, however, occurred during the war and involved the Volga Germans and the peoples of the north Caucasus area. On

28 August 1941, two months after the German invasion of the Soviet Union and two years after 99.7 percent of the population had voted for the Soviet Government, a decree was published which charged the Volga Germans with disloyalty and ordered their deportation to and resettlement in Novosibirsk and Omsk in Central Siberia and in the Altai region and the Kazakhstan Republic in Soviet Central Asia. Of 500,000 Volga Germans affected by this order, the Soviets actually deported about 200,000 to the above areas; the remainder were transported to Germany by the Nazis during the Nazi occupation. Although the decree was ostensibly issued as a precautionary measure against treason, it contained no indication that after the emergency the Volga Germans would be permitted to return to their lands. On the contrary, the decree abolished their republic and divided its territory among other oblasts.

Charges of collaborating with the Germans were also made against the nationalities in the north Caucasus region after these territories were reconquered by the Soviets. Early in 1944 the people of the Chechen-Ingush Republic, the Balkars, the Karachays, and the Crimean Tatars were rounded up and arrested. Those who resisted were shot, while the remainder were sent to remote areas in Siberia. Altogether, a total of almost 1,745,000 were affected, including 700,000 Chechens and 300,000 Tatars. Many died of starvation and exposure during the long winter journey beyond the Urals. Those who reached their destination were split into widely dispersed groups, thus effecting the separation of families and the elimination of the nationality group as such.

As the final step in the destruction of these minority groups, the Soviets abolished the Chechen-Ingush ASSR, the Kalmyk ASSR, the Crimean ASSR and the Karachay autonomous province. The actions were later characterized as "monstrous acts" by Khrushchev in his speech to the 20th Party Congress. Although a Supreme Soviet decree restoring the autonomous republics of the Chechen, Ingush, Kalmyks, Balkars and Karachays was published in Pravda on 12 February 1957, there is no information available to indicate that the USSR has taken any positive steps to return the survivors of the deported groups to their ancestral homes. It is to be noted, moreover, that the decree did not mention Volga Germans or Crimean Tatars.

Poles and Soviet Greeks also were victims of Soviet wartime and post-war deportations. Witnesses before a US Congressional committee have testified that, during the period 1939-1941, 1,692,000 were deported from Russian-occupied eastern Poland.

Many of the Soviet Greeks living in the Caucasus and in the Krasnodar and Stavropol areas were evacuated to Kazakhstan and Siberia when the German armies advanced into those areas in 1942. Two years later, following the Russian re-occupation, the entire Greek population of the Crimea, consisting of 10,000, was deported to Kazakhstan and Uzbekistan, allegedly for collaborating with the Germans. In the immediate post-war era, 17,000 Greek citizens remained in the areas of Tbilisi, Sukhumi and Batum, areas not reached by the German armies. In June 1949 this group and the entire remaining Greek population of the Caucasus were forcibly removed from their homes and deported, without warning, in a two-hour period. The deportation applied both to the Greeks who had retained Greek citizenship and to about 12,000 Soviet citizens of Greek origin.

Genocide and the United Nations

To date the United Nations has not taken any action on charges of genocide either on the basis of the 1946 General Assembly resolution or of the Convention itself. Charges made by Pakistan against India in 1948 concerning "mass destruction of Muslims in a pre-arranged program of genocide" in East Punjab in connection with the Kashmir dispute were never substantiated. In 1952 various Communist front organizations, notably the International Association of Democratic Lawyers, charged that the United States, by its alleged use of bacteriological warfare in North Korea and Northeast China, was guilty of genocide. The charge was so obviously spurious and motivated by propaganda aims that the UN refused to demean itself by taking cognizance of it.

It appears that this situation may now be changing and that the UN will shortly be called upon to take its first action under the Convention on Genocide. On 5 June 1959, the International Commission of Jurists, a non-governmental organization representing 35,000 lawyers in

53 countries and enjoying consultative status with the UN Economic and Social Council, issued a report which asserted that during the past nine years the Chinese Communists had committed systematically the "crime of genocide" in an attempt to destroy the Tibetan people. The Commission declared that it would "initiate such action as envisaged by the Genocide Convention of 1948 and by the Charter of the United Nations for suppression of these (Chinese) acts..."

Prepared by Shri Purshottam Trikamdas, senior advocate of the India Supreme Court and former secretary to Mohandas K. Gandhi, the report asserts that the Chinese Communists have followed a "systematic policy of killing, imprisonment and deportation of those opposed to the regime." Trikamdas estimated that at least 65,000 Tibetans had been killed and that of the 200,000 drafted since 1950 for forced labor in a road-building program, about one-fourth have died from cold weather, hunger and fatigue.

In presenting a summary of the report at a news conference in Geneva, Trikamdas declared that there was a "prima facie case that on the part of the Chinese there has been an attempt to destroy the national, ethnical, racial and religious group of Tibetans by killing members of the group and by causing serious bodily and mental harm." Trikamdas stated categorically that "these acts constitute the crime of genocide under the Genocide Convention."

The Tibetans have thus joined those other peoples--Chechens, Poles, Crimean Tatars, etc.--who have felt the brutal hand of Communism. As the Commission's report states, the Communist action in Tibet "reminds one of the brutal suppression in Hungary." Mr. Trikamdas expressed it equally well when he declared that "a practically independent country is being turned by force into a province of China..."